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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/746,236	12/22/2000	Yoshinori Hijikata	JP919990254US1	2689

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EXAMINER

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
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2144

DATE MAILED: 02/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/746,236

Applicant(s)

HIJIKATA ET AL.

Examiner

Joseph R Maniwang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10 and 22-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-28 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

2. Claims 1-6 and 8-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (U.S. Pat. No. 6,138,155), hereinafter referred to as Davis, and further in view of Saito (U.S. Pat. No. 5,900,005), hereinafter referred to as Saito.
3. Davis disclosed a method and system for monitoring a client's interactions over a network. The system comprised a server from which data files were provided for a client to browse (see column 6, lines 57-64). Clients viewed the data files, in this case web pages, from the server through a browsing means (see column 6, line 65 through column 7, line 5). The system further included an operation detection means for monitoring a user's operations during the display of the web pages through the browsing means, such as a mouse event or selection of links (see column 4, lines 42-59). Davis disclosed that the operation detection means was a program package, and could be embedded in the web contents (see column 4, line 43; column 5, lines 18-21; column 8, lines 12-27, 36-59). The program package could be transmitted to the client from the web server (see column 8, lines 12-15). In addition to a client-side execution of the program package, Davis disclosed that the program package could alternatively be embedded into a web page and then downloaded to the client with the web page,

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implicitly disclosing that a process received the web contents and performed the additional process of embedding the program package before delivering the embedded page to the client (see column 8, line 67 through column 9, line 3). In this way, Davis implicitly described a proxy server for embedding the program package in a web page, as the broad concept of a proxy relates to nothing more than a process, and where the embedding process acted as a server since it transmitted the embedded page to the client. Davis also disclosed the use of a portal site for providing the programming package, where upon access by a client, a page with clickable menus/options was provided for tracking the client's interactions (see column 14, lines 1-29). Davis disclosed the use of embedded Java applets for the programming package tracking user interactions (see column 12, lines 20-31).

4. Davis disclosed tracking user interactions such as mouse and keyboard events, elapsed time, or link selections (see column 4, lines 50-59), but did not specifically disclose extracting displayed information at a location where the specific user operation detected is performed on the browsing means.

5. In a related art of web browsing, Saito disclosed a system for extracting text from a displayed web page. The invention extracted information at the location of a cursor in response to a user operation (see column 2, lines 15-44; column 3, lines 7-13). The extracted information was a unit of text, such as a word (see column 3, lines 19-23; column 7, lines 46-57). Similar to Davis, the invention applied to web pages displayed on a browser (see column 4, lines 35-44). The information extraction was in response

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to an event, such as a user operation with the mouse (see column 5, lines 46-67). The extracted text was then sent to a server for analysis (see column 7, lines 11-17).

6. It would have been obvious to one of ordinary skill in the art at the time of invention to combine the teachings of Davis and Saito to provide a client-server system for browsing web pages, including an operation detection means for detecting user operations and an information extracting means for extracting information displayed on the web page at a location where the operation was performed as claimed. The invention of Davis generally related to performing an analysis of a user's interactions in light of the displayed data in order to determine the relevancy of a page to the user (see column 1, lines 64-67; column 2, lines 56-64; column 3, lines 12-17). Davis recognized that the available techniques for monitoring a user's interactions to determine the relevancy of the browsed content were limited (see column 2, lines 28-32; column 3, lines 28-36; column 4, lines 1-4). One of ordinary skill in the art would have then been motivated to consider other monitoring techniques for improving the determination of relevancy desired by Davis, such as the text extraction method described by Saito. Saito disclosed that conventional search routines for determining relevant words on a web page were complicated, and the disclosed text extraction technique was a more convenient method for determining relevant words on the web page (see column 1, lines 31-56).

Response to Arguments

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7. Applicant's arguments filed 11/22/04 have been fully considered but they are not persuasive.

8. Regarding claims 8 and 10 rejected under 35 U.S.C. 112(2), Examiner accepts Applicant's amendment of the claims in overcoming the rejection. The rejection has been withdrawn.

9. Regarding claims 1-6 and 8-10 rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. (U.S. Pat. No. 6,138,155) in further view of Saito (U.S. Pat. No. 5,900,005), Applicant has amended the independent claims to recite a browsing means including an operating event detector for monitoring movement of a pointing device on a displayed data file to detect an operating event, an operating event analyzer for analyzing a string of operating events performed by the user, and a means for extracting specific text of the displayed data file at a location that the detected operating event is performed on the browsing means. Examiner submits that the references still read upon the newly amended limitations. Applicant's amendments generally set forth two claim limitations: monitoring pointing device movement for an event, and extracting text at a location of the pointing device at the event. Applicant asserts that Davis only detects one such pointing device movement while the present invention detects four additional ones, and that Saito does not detect any of the five pointing device movements.

10. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., detecting five specific mouse operations) are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

11. Furthermore, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

12. Regardless, Examiner submits that the first broad concept of monitoring pointing device movement is taught by Davis, where as acknowledged by the Applicant, Davis used a monitoring program for detecting link selection by a user on a Web page (see column 4, lines 42-59). Likewise, Saito disclosed the second broad concept of extracting text at a location of the pointing device, where as acknowledged by the Applicant, Saito disclosed extracting a text string where a mouse pointer resides (see column 2, lines 15-44; column 3, lines 7-13). The references clearly read upon the broadly claimed concepts of monitoring a user's mouse movement and extracting text at the mouse location, and as shown in the above rejection can be combined to provide the system claimed by Applicant.

Allowable Subject Matter

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13. Claims 22-28 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William A Cuchlinski can be reached on (571) 272-3925. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM



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